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SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY SACRAMENTO

FAIR POLITICAL PRACTICES COMMISSION,)	Case No.
a state agency,)	
)	
Plaintiff,)	COMPLAINT FOR CIVIL
)	PENALTIES UNDER THE
v.)	POLITICAL REFORM ACT OF 1974,
)	AS AMENDED
ASSOCIATION OF CALIFORNIA SCHOOL)	
ADMINISTRATORS ISSUES POLITICAL)	(Government Code §§ 91001(b) and
ACTION COMMITTEE AND BOB WELLS,)	91004)
)	
Defendants.)	UNLIMITED CIVIL ACTION

Plaintiff FAIR POLITICAL PRACTICES COMMISSION, a state agency, alleges as follows:

1. Plaintiff brings this action in the public interest to enforce the provisions of the Political Reform Act of 1974. (Gov. Code, §§ 81000-91014.)

JURISDICTION AND VENUE

2. This court has original jurisdiction over the amount in controversy in this matter. As the cause of action occurred in connection with campaign statements that should have been filed with the California Secretary of State's Office, located in the County of Sacramento, the County of Sacramento is the proper venue for this action, pursuant to Code of Civil Procedure section 393.

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1 **PARTIES**

2 **PLAINTIFF FAIR POLITICAL PRACTICES COMMISSION**

3 3. Plaintiff Fair Political Practices Commission (the “FPPC”) is a state agency created by
4 the Political Reform Act of 1974 (the “Act”). (Gov. Code, §§ 81000-91014.) Plaintiff FPPC has
5 primary responsibility for the impartial, effective administration and implementation of the Act. (Gov.
6 Code, § 83111.) Pursuant to Government Code section 91001, subdivision (b), Plaintiff FPPC is the
7 civil prosecutor for matters involving state election campaigns, and is authorized to maintain this action
8 under Government Code sections 91001, subdivision (b), and 91004.

9 **DEFENDANTS ASSOCIATION OF CALIFORNIA SCHOOL ADMINISTRATORS ISSUES**
10 **POLITICAL ACTION COMMITTEE AND BOB WELLS**

11 4. Defendant Association of California School Administrators Issues Political Action
12 Committee (the “Committee”) was, at all times relevant to this matter, a state general purpose recipient
13 committee as defined in Government Code sections 82013, subdivision (a), and 82027.5, subdivision
14 (b).

15 5. Defendant Bob Wells, the Executive Director of the Association of California School
16 Administrators, was, at all times relevant to this matter, the treasurer of Defendant Committee.

17 **CAMPAIGN REPORTING REQUIREMENTS**

18 6. An express purpose of the Act, as set forth in Government Code section 81002,
19 subdivision (a), is to ensure that the contributions and expenditures affecting election campaigns are
20 fully and truthfully disclosed to the public, so that voters may be better informed, and so that improper
21 practices may be inhibited.

22 7. In furtherance of this purpose of disclosure, the Act sets forth a comprehensive campaign
23 reporting system, designed to disclose to the public, in a timely manner, the election activities of
24 California political candidates and committees. (Gov. Code, § 84200 et seq.)

25 **CIVIL LIABILITY**

26 8. Government Code section 91004 provides that any person who intentionally or
27 negligently violates any of the reporting requirements of the Act shall be liable in a civil action in an
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1 amount up to the amount not properly reported. Persons that violate Government Code sections 84200.5
2 are liable in a civil action brought pursuant to Government Code section 91004.

3 9. Pursuant to Government Code sections 81004, subdivision (b) and 84100, and California
4 Code of Regulations, title 2, section 18427, subdivision (a), it is the duty of a committee's treasurer to
5 ensure that the committee complies with all of the requirements of the Act concerning the receipt and
6 expenditure of funds, and the reporting of such funds. A committee's treasurer may be held jointly and
7 severally liable, along with the committee, for any reporting violations committed by the committee.
8 (Gov. Code, § 91006.)

9 **STATEMENT OF THE FACTS**

10 10. Between July 1 and October 21, 2000, Defendants raised approximately \$426,616, and
11 spent approximately \$430,807, to oppose the passage of Proposition 38, in the November 7, 2000
12 statewide general election. Prior to the election, Defendants failed to disclose 100 percent of the total
13 contributions that they received, and the total contributions that they made.

14 11. Proposition 38 was an unsuccessful ballot measure that would have authorized annual
15 state payments of \$4,000 per student for private and religious education. Proposition 38 was rejected by
16 70 percent of the voters.

17 **FIRST CAUSE OF ACTION**

18 (TWO VIOLATIONS - FAILURE TO TIMELY FILE

19 PRE-ELECTION CAMPAIGN STATEMENTS)

20 12. Plaintiff FPPC re-alleges, and incorporates herein, paragraphs one through eleven, as
21 though set forth at length.

22 13. Government Code section 84200.5, subdivision (d) requires a state general purpose
23 committee to file pre-election campaign statements before a statewide election when the committee is a
24 recipient committee, as defined in section 82013, subdivision (a), and the committee makes
25 contributions totaling \$500 or more during the period covered by the pre-election campaign statement.

26 14. As defined by Government Code section 82027.5, subdivision (b), a state general purpose
27 committee includes a committee that primarily exists to support or oppose candidates or measures voted
28 on in a state election.

1 15. Government Code section 84200.7 sets forth the pre-election filing schedule for
2 November elections held in even-numbered years. Under that statute, the first pre-election campaign
3 statement must be filed no later than October 5, covering the reporting period July 1 through September
4 30. The second pre-election campaign statement must be filed no later than 12 days before the election,
5 for the period ending 17 days before the election. For the November 7, 2000 statewide general election,
6 the filing deadline for the second pre-election statement was October 26, 2000.

7 Failure to Timely File First Pre-election Campaign Statement

8 16. Defendant Committee, as a state general purpose recipient committee active in the
9 November 7, 2000 statewide general election, and Defendant Bob Wells, as the treasurer of Defendant
10 Committee, had a duty to file a first pre-election campaign statement by October 5, 2000, disclosing
11 contributions received and expenditures made during the reporting period July 1 through September 30,
12 2000.

13 17. Defendants failed to file the required first pre-election campaign statement, for the
14 reporting period July 1 through September 30, 2000, by the October 5, 2000 due date.

15 18. Defendants did not file the first pre-election campaign statement that was due by October
16 5, 2000 until February 20, 2001, three months after the November 7, 2000 statewide general election in
17 which Proposition 38 appeared on the ballot.

18 19. The first pre-election campaign statement filed on February 20, 2001 revealed that during
19 the first pre-election reporting period, Defendants received contributions totaling \$386,616, and made
20 expenditures in the form of contributions totaling \$380,807.

21 20. By intentionally or negligently failing to file a first pre-election campaign statement by
22 October 5, 2000, disclosing \$386,616 in contributions and \$380,807 in expenditures, Defendants
23 violated Government Code section 84200.5, subdivision (d).

24 Failure to Timely File Second Pre-election Campaign Statement

25 21. Defendant Committee, as a state general purpose recipient committee active in the
26 November 7, 2000 statewide general election, and Defendant Bob Wells, as the treasurer of Defendant
27 Committee, had a duty to file a second pre-election campaign statement by October 26, 2000, disclosing
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1 contributions received and expenditures made during the reporting period October 1 through October 21,
2 2000.

3 22. Defendants failed to file the required second pre-election campaign statement, for the
4 reporting period October 1 through October 21, 2000, by the October 26, 2000 due date.

5 23. Defendants did not file the second pre-election campaign statement that was due by
6 October 26, 2000 until February 20, 2001, three months after the November 7, 2000 statewide general
7 election in which Proposition 38 appeared on the ballot.

8 24. The second pre-election campaign statement filed on February 20, 2001 revealed that
9 during the second pre-election reporting period, Defendants received contributions totaling \$40,000, and
10 made expenditures in the form of contributions totaling \$50,000.

11 25. By intentionally or negligently failing to file a second pre-election campaign statement by
12 October 26, 2000, disclosing \$40,000 in contributions and \$50,000 in expenditures, Defendants violated
13 Government Code section 84200.5, subdivision (d).

14 WHEREFORE, Plaintiff FPPC prays for judgment against Defendants as follows:

15 1. For statutory penalties against Defendants Association of California School
16 Administrators Issues Political Action Committee and Bob Wells, jointly and severally, payable to the
17 "General Fund of the State of California," according to proof, in an amount up to the amount not
18 properly reported, as permitted by Government Code sections 91004 and 91006.

19 2. For such other and further relief as the Court may deem proper.

20 Dated: October 5, 2004

FAIR POLITICAL PRACTICES COMMISSION

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22
23 By: _____
24 Julia Bilaver
25 Attorney for Plaintiff
26 Fair Political Practices Commission
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